

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BILLINGS DIVISION

UNITED STATES OF AMERICA,

Plaintiff/Respondent,

vs.

MATTHEW STONEY OLSON,

Defendant/Movant.

Cause No. CR 16-30-BLG-SPW

ORDER

This case comes before the Court on Defendant/Movant Matthew Stoney Olson's motion to vacate, set aside, or correct his sentence, pursuant to 28 U.S.C. § 2255. Olson is a federal prisoner proceeding pro se.

One of Olson's claims alleges that counsel retained and should have called a forensic computer analyst at trial. The record of the case does not show whether trial counsel, Assistant Federal Defender Mark Werner, obtained a report or considered calling an expert.

Rather than revealing privileged communications to the United States at this stage, the Court will require defense counsel to produce, under seal and *ex parte*, all materials in his file related to any computer expert retained by him or by previous counsel. Counsel shall also file an affidavit, either his own or that of someone in his office with personal knowledge of the matter, explaining what was

done or not done, and why or why not, with respect to the analysis of the computer. Counsel may file and serve on Olson a redacted version of any document if necessary to comply with Fed. R. Crim. P. 49.1(a) (requiring redaction of home addresses, minors' names, and certain other information).

Olson will have an opportunity to respond to counsel's submission. The Court will then review the matter and address all the claims in Olson's § 2255 motion.

Accordingly, IT IS ORDERED:

1. Assistant Federal Defender Mark Werner must respond to this Order on or before **October 30, 2020**.
2. Counsel's response to this Order shall be filed under seal and *ex parte* but must be served on Olson.
3. Olson may respond to counsel's submission within 21 days of its filing.
Olson must immediately notify the Court of any change in his mailing address by filing a "Notice of Change of Address." Failure to do so may result in dismissal of his § 2255 motion without notice to him.

DATED this 2nd day of October, 2020.



Susan P. Watters
United States District Court